IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

**WP(C).No. 16523 of 2007(P)**

**PETITIONER:**

A.P. RAHMATH, W/O.V.K.SHARAFUDEEN,
THARARA BUNGLOW, KUYALI ROAD,
TELLICHERRY.

BY ADV. SRI.P.M.HABEEB

**RESPONDENTS:**

1. THE SECRETARY,
   TELLICHERRY MUNICIPALITY, TELLICHERRY.

2. THE TOWN PLANNING OFFICER,
   TELLICHERRY MUNICIPALITY, TELLICHERRY.

3. THE DIRECTOR OF MUNICIPALITIES
   (URBAN AFFAIRS), THIRUVANANTHAPURAM.

4. THE SECRETARY,
   LOCAL SELF GOVERNMENT DEPARTMENT,

   R1 & R2 BY ADV. SRI.I.V.PRAMOD
   R3 & R4 BY SENIOR GOVERNMENT PLEADER
   SRI.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON **06/06/2007,** THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

# APPENDIX

**PETITIONERS' EXHIBITS:**

EXT.P1: TRUE COPY OF THE SALE DEED.

EXT.P2: TRUE COPY OF THE SALE DEED.

EXT.P3: TRUE COPY OF THE CERTIFICATE.

EXT.P4: TRUE COPY OF THE NOTICE BY THE 2ND RESPONDENT.

**RESPONDENTS' EXHIBITS: NIL**

//true copy//

P.S. To Judge

sk/-

# K.M.JOSEPH, J.

**W.P.(C) No.16523 of 2007 P**

**Dated this the 6th day of June, 2007.**

## JUDGMENT

I heard learned counsel for the petitioner and learned counsel appearing on behalf of the Municipality. Learned counsel for the Municipality submits that the petitioner has got an alternate remedy by way of appeal to the tribunal. I also feel that the petitioner should be relegated to pursue the alternate remedy.

Accordingly, the writ petition is disposed of relegating the petitioner to pursue the alternate remedy by way of appeal against Ext.P4. Counsel for the respondent/Municipality submits that Ext.P4 was issued on 29.5.2007. In order to enable the petitioner to avail of the appellate remedy, the interim order passed by this court shall continue for a period of two weeks from today.

Sd/-

**(K.M.JOSEPH)**
**JUDGE**

sk/

**//true copy//**

P.S. To Judge